



# STATE OF CONNECTICUT

## DEPARTMENT OF TRANSPORTATION

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Office of the  
Commissioner

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### Public Hearing – March 21, 2011 Government, Administration and Elections Committee

#### Testimony Submitted by Acting Commissioner James P. Redeker Department of Transportation

#### S. B. 1196 - An Act Concerning the Conveyance of Certain Parcels of State Land.

The Department of Transportation (Department) offers the following comments on the sections of S.B. 1196 that require conveyances from the Department.

**Section 2 – Wethersfield conveyance:** The Department opposes this section as written. ConnDOT has already prepared mapping for the transfer, which includes additional area that this section omits. The Department recommends the following language:

*Said parcels of land have an area of approximately 15,847± square feet and 26 square feet respectively and are identified on the following maps "Compilation Plan Town of Wethersfield, Map showing land released to the Town of Wethersfield by the State of Connecticut Department of Transportation Maple Street (Route 3) at Spring Street and Middletown Avenue January 2010, Town 159, Project No. 159-17, Serial No. 4A" and "Town of Wethersfield, Map showing land acquired from Morningside Village Association by State of Connecticut Department of Transportation for Spring Street Relocation July 1998 Town 159, Project No. 159-176, serial No 1"*

**Section 3 – Middletown conveyance:** The Department is in opposition to this conveyance. This property conforms to local zoning and has generated interest from several entities for development. The Department is currently preparing this property for public bid. Under CGS 3-14b, the City of Middletown would receive a right of first refusal to purchase the property for the high bid acceptable to the state. This section only serves to cap the purchase price by the City, potentially preventing the state from generating additional revenue.

**Section 5 – Middletown conveyance:** The Department opposes this section as written. ConnDOT recommends the addition of reverter language to address the Department's potential need for the property for future transportation purposes (below).

*(b) The town of Middletown shall use said parcel of land for open space and recreational purposes. The property will revert to the state of Connecticut if the state requires the property for transportation purposes or if the town of Middletown:*

*(1) Does not use said parcel for said purposes;*

- (2) Does not retain ownership of all said parcel; or*
- (3) Leases all or any portion of said parcel.*

**Section 6 – Tolland conveyance:** The Department opposes this section of the bill. All transactions for Economic Development should be for fair market value. The Department conveyed this parcel to the Town of Tolland for Open Space as stated in Special Act 03-19. Since then, the Department has lost the opportunity to sell the property and return revenue to the Transportation Fund for other transportation projects. Conveyance to the Town for economic development is unnecessary and prohibits the state from generating revenue.

**Section 7 – Cromwell conveyance:** The Department is in opposition to this section. The Town of Cromwell (Town) released a parcel of land adjacent to North Road and Jennifer Lane to a developer. A field review by Department personnel determined that the property was in fact owned by Department. The Town approached the Department to rectify the issue as the property in question was already built upon by the developer.

The Department met with Town representatives and the developer and concluded that two transactions would take place. The Department would release, in fee, the North Road right of way that was purchased in conjunction with Route 9 to the Town for highway purposes and for no monetary consideration. This is DOT File No. 33-104 18A and consists of 1.26± acres and it should be in the Town's name as it is a local road. The second parcel consists of .387 ± acres and will be transferred to the town for fair market value as it will not be utilized for highway purposes, it will be transferred to the developer at some point in the future.

The concerns with this section, as written, were conveyed directly to Cromwell's First Selectman on March 22, 2011

**Section 8 – Fairfield conveyance:** The Department opposes this section as written. ConnDOT recommends additional reverter language to address the Department's potential need for the property for future transportation purposes.

*(b) The town of Fairfield shall use said parcel of land for open space purposes. The property will revert to the state of Connecticut if the state requires the property for transportation purposes or if the town of Fairfield:*

- (1) Does not use said parcel for said purposes;*
- (2) Does not retain ownership of all said parcel; or*
- (3) Leases all or any portion of said parcel.*

**Section 10 – Farmington conveyance:** The Department opposes this section as written. ConnDOT recommends additional reverter language is added to address the Department's potential need for the property for future transportation purposes.

*(b) The town of Farmington shall use said parcel of land for open space and recreational purposes. The property will revert to the state of Connecticut if the state requires the property for transportation purposes or if the town of Farmington:*

- (1) Does not use said parcel for said purposes;*
- (2) Does not retain ownership of all said parcel; or*
- (3) Leases all or any portion of said parcel.*

**Section 11 – Tolland conveyance:** The Department strongly opposes this section as written. The exchange as outlined in this section is not an equivalent exchange. The State's parcel is improved with a 134 space paved commuter parking lot, complete with drainage, lighting and a bus shelter and the Town of Tolland's parcel is vacant raw land. The Department is amenable to accepting a transfer of properties as long as the town's property contains comparable improvements conducive to a for a commuter lot. Accepting the transfer as written burdens the state with costs for a new commuter lot and a loss of commuter services until a new commuter lot is constructed.

**Section 12 – Bristol conveyance:** The Department is neutral on this section, but would like to note that the property in question is identified as 308 Pine Street. The incorrect street address is identified in this section.

**Section 13 – Monroe conveyance:** The Department of Transportation opposes this section as written. The Department has determined that this parcel should be retained for future widening of Route 25. This property will most likely be needed for any future roadway improvements and any economic development on the property would only add to future property acquisition costs. Additionally, it is not prudent for the state to release property that will have to be purchased for future projects.

Finally, any conveyances for economic development should be for fair market value. The Department can sell property on the open market and return revenue to the Transportation Fund. Conveyance to the Town for economic development is unnecessary and prohibits the state from generating revenue.

**Section 15 – private entity conveyance:** The Department is opposed to this section. The conveyance to a private entity circumvents the public bid process as stated in CGS 13a-80.

\*It should be noted that section 22 of Special Act 07-11, also proposed the conveyance of state property to a private party (Agriventures). A third party filed a lawsuit contending that the Special Act's sole objective, to grant personal gain and advantage to a specific party, Agriventures, was in violation of Article First, Section I of the Connecticut Constitution where, "... no man is entitled to exclusive public emoluments or privileges from the community." As a result, the conveyance was repealed in Section 2 of Special Act 08-8 and the lawsuit was dropped. This proposed conveyance could lend itself to similar legal scrutiny.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013.